

**Speech-Language Pathology and Audiology Board**

1422 HOWE AVENUE, SUITE 3, SACRAMENTO, CA 95825

TELEPHONE: (916) 263-2666/ FAX: (916) 263-2668

www.slpad.ca.gov



**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

Holiday Inn Express- Mill Valley
160 Shoreline Highway
Mill Valley, CA 94941
(800) 258-3894

**FULL BOARD MEETING MINUTES
AUGUST 11, 2006**

Board Members Present

Lisa O'Connor, M.A., Chairperson
Carol Murphy, M.A.
Jennifer Hancock, M.A.
Diana Verdugo M.S.
Rebecca Bingea, M.A.
Alison Grimes, Au.D.
Paul Donald, M.D.
Naomi Smith, Au.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Kathi Burns, Senior Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel via telephone

Guests Present

Robert Powell, Audiologist, California Speech-Language-Hearing Association
Robert Ivory, Audiologist, California Academy of Audiology

I. Call to Order

Chairperson O'Connor called the meeting to order at 10:30 a.m.

II. Introductions

Those in the audience introduced themselves.

III. Approval of meeting minutes for May 25-26, 2006 Committee Meeting and Full Board Meeting

The Board discussed minor grammatical edits to the minutes.

M/S/C: Donald/Bingea

Minutes of the May 25-26, 2006 Committee Meeting and Full Board Meeting were approved as revised.

IV. Chairperson's Report (Lisa O'Connor)

Ms. O'Connor discussed the concern regarding the shortages of SLPs, particularly in public school settings. She reported that the Commission on Teacher Credentialing (CTC) is exploring many alternatives, one being that of creating a new BA level credential program exclusively for SLPs working in public schools. These individuals would get the BA and complete an internship year similar to the RPE required for licensure. Implementation of such an alternative has the potential of dramatically impacting the use of speech-language pathology assistants in the public schools, as individuals with a bachelor's degree and the internship year would be authorized to work in public schools as independent providers. This would create a three-tiered system in the public schools (i.e., fully credentialed SLP, BA level SLP and the SLPA). This could impact the quality of services provided to students in need of speech-language services, and cause confusion to parents who will have a difficult time understanding each of these roles.

Ms. O'Connor suggested that the Board find ways to increase the workforce of SLPAs in the state and consider amending the SLPA registration requirements to enable bachelor's degree applicants to readily qualify for registration as SLPAs provided the applicant has completed not less than 70 hours of field work experience in a Board-approved program. She stated that the regulations should be amended to authorize the training program directors of the SLP training programs to certify completion of the undergraduate clinical hours similar to what is done when graduates apply for the SLP license. In this way, applicants could avoid the additional step of having the clinical training reviewed and approved by the SLPA training program director. Ms. O'Connor reported that Ms. Del Mugnaio will attend the California Council of Academic Programs in Communicative Sciences and Disorders (CAPCSD) on October 13, 2006 to encourage the training institutions to offer the requisite 70 hours of clinical training in the undergraduate program.

Ms. O'Connor stated that, during the Strategic Planning session held the previous day, the Board developed several strategic objectives regarding reaching out to school districts and other employers about the opportunity to employ trained SLPAs to assist with service delivery demands. She encouraged implementation of some of these objectives as soon as feasibly possible.

The Board discussed the need to educate supervisors of SLPAs about their supervisory responsibilities and to remind SLPAs about the registration requirements to update the Board if there is a change with their supervisor. It was decided that a notice should be included with the SLPA renewal form requiring the SLPA to acknowledge the requirement that they be supervised and to confirm the name of the current supervisor per Board records, or to advise the Board if a change in supervisors has occurred.

Mr. Ritter advised that, while the information can be provided in the renewal, a signature could not be required in order to renew without a regulation change mandating such as a new renewal provision.

The Board agreed to provide information material as a first step, with the option of pursuing a regulation amendment in the future if deemed necessary.

Ms. O'Connor reiterated her desire to bring the Education Code into conformity with the Business and Professions Code with respect to the use of SLPAs to alleviate the confusion on how to appropriate utilize paraprofessionals.

Ms. Del Mugnaio reported that the Education Code is not in conflict with the Business and Professions Code (B&P) regarding SLPAs, as the B&P Code governs the registration requirements and scopes of responsibility. Rather, the Department of Education (DOE) needs to buy into using SLPAs in compliance with the B&P code and refrain from assigning independent caseloads to paraprofessionals.

Mr. Powell mentioned that this year it may be decided that the Commission on Teacher Credentialing will no longer be able to use credential waivers for individuals providing speech-language services as the federal IDEA standards require personnel to meet the highest qualified provider standards. He suggested that this may encourage a new bachelor's level credentialing program will, hopefully, encourage schools to look to formally trained SLPAs as an option to provide support services.

Ms. O'Connor reported on the agenda for the upcoming National Council of State Boards meeting in Atlanta, Georgia on October 13-14, 2006. She will be attending this meeting and serving on an encroachment/unlicensed practice panel.

Ms. O'Connor suggested that the Board be present at the upcoming California Speech-Language-Hearing Association (CSHA) conference to be held March 9-10, 2007 in Long Beach, and the California Academy of Audiology (CAA) conference to be held September 14-16, 2006.

Ms. Del Mugnaio reported that she is a presenter at the 2006 CAA conference and added that she is a regular speaker at CAA. She stated that she and staff would be present at the CSHA conference and man an informational licensing table as they have done in prior years.

Ms. O'Connor thanked the efforts of staff and Board members regarding their work during the Strategic Planning meeting held the prior day. The report and its action plan are nearly complete.

Ms. Grimes reported that the American Academy of Audiology (AAA) is creating a list serve email system, similar to the one that used by the National Council of State Boards. This resource will be available soon.

Ms. O'Connor sadly announced that a long time ASHA employee, Charlie Diggs, passed away about a week ago. She stated he was an incredible person and an outstanding resource concerning state policy matters. He will be missed.

V. Speech-Language Practice Committee Report (Lisa O'Connor)

Ms. O'Connor provided an overview of the matters discussed during the Committee meeting, which surrounded reports of unlicensed activity wherein behavioral interventionists have been authorized by state regional centers to provide speech and language therapy. Ms. O'Connor reported that Ms. Newhouse appeared before the

Committee to explain her experiences with such matters and provided anecdotal reports of behavioral interventionists and psychologists working with clients on language remediation.

M/S/C: Murphy/Hancock

The Board voted to send a letter to the new director of the Department of Developmental Services with a copy to all 20 regional centers in the state, regarding the scope of practice authority of licensed speech-language pathologists and, further, to emphasize that non-licensed personnel are prohibited from engaging in a licensed health profession. In addition, the letter should address the option of legally employing speech-language pathology assistants in response to the shortage of SLP personnel.

VI. Executive Officer's Report (Annemarie Del Mugnaio)
A. Budget Update – Out-of-State Travel Request

Ms. Del Mugnaio provided budget data and announced that the Board ended fiscal year 2005/2006 with a healthy reserve, mainly due to the fact that several pending enforcement cases had not yet been billed but would be encumbered before the close of the fiscal year.

Ms. Del Mugnaio informed the Board that only one traveler was approved for the out-of-state travel request submitted for fiscal year 2006/2007 that requested that 2 persons travel to the National Council of State Boards in Speech-Language Pathology and Audiology. This is scheduled for October 13-14, 2006 in Atlanta, Georgia. She stated that Ms. O'Connor will attend the national conference, while she will attend the CAPCSD meeting that will be held October 13, 2006 at the Sacramento Airport.

B. Continuing Professional Development Audit

Ms. Del Mugnaio provided audit statistics to the Board indicating up-to-date compliance statistics. She reported that there are still some outstanding audit cases under review for which the Board is awaiting additional documentation. She stated that citations and fines will be issued to those found to be deficient of the required continuing professional development (CPD) during the audit. Ms. Del Mugnaio stated that another audit will follow later this year, and will include Board-approved CPD providers.

C. New Travel Policies

Ms. Del Mugnaio presented guidelines regarding a new policy implementing a system where each member will directly book their airline travel through Southwest airlines on-line for all Southwest contracted services. This system will allow travelers to collect frequent flyer miles for personal use. Billing information is included in the Board member packets on page seven. Ms. Del Mugnaio provided instructions on how to register through southwest.com and reminded the Board members that the billing information is confidential.

D. Status of Rulemaking Files - Board-Approved Institutions and Advertising of Professional Degrees (California Code of Regulations Sections 1399.152 & 1399.156.4); Information Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187);

Elimination of Dual Licensure Proposal (California Code of Regulations Section 1399.170.20); Continuing Professional Development (California Code of Regulations 1399.2 - 1399.160.10)

Ms. Del Mugnaio reported on the status of the rulemaking files as follows:

- The Board-Approved Institutions and Advertising of Professional Degrees rulemaking package was reviewed by the Office of Administrative Law and was partially approved and partially disapproved. The portion addressing board-approved institutions (CCR 1399.152) was approved and filed with the Secretary of State on July 3, 2006, making it effective August 2, 2006. The portion addressing advertising of academic degrees was revised as recommended by the Office of Administrative Law and a 15-day public notice was prepared and disseminated to the interested public for public comment. No comments were received and the Board will vote on the matter later today.
- The Information Disclosure regulations were filed with the Secretary of State's Office on July 1, 2006 and will become effective August 31, 2006.
- The Elimination of Dual Licensure rulemaking package was approved by the Department and sent to the Department of Finance for review on August 3, 2006. The rulemaking file will be filed with the Office of Administrative Law next week.
- The Continuing Professional Development Revisions rulemaking package was published and the 45-day public comment period ends on August 28, 2006. So far, no comments have been received.

E. Enforcement/Licensing Statistical Reports

Ms. Del Mugnaio and Ms. Pinson provided an overview of the licensing statistical report as provided in the meeting materials and answered questions from the Board members.

Ms. Del Mugnaio provided an overview of the enforcement statistical report also included in the meeting packets.

Ms. O'Connor asked about whether the staff had located an expert in auditory processing disorders as discussed at the last Board meeting. Ms. Burns reported that several board members had previously provided references to potential experts; however, many professionals were unable to commit to performing the review due to time constraints. She stated that there are still a number of experts who have been contacted and that an expert should be secured shortly.

F. Proposed Topics for the Department of Consumer Affairs "Consumer Connection" Publication

Ms. Murphy provided Ms. Del Mugnaio with an article for the Department's Consumer Connection newsletter. The article provides information for consumers/parents on selecting qualified professionals to work with children regarding speech and language issues. The article will be enhanced to include information regarding audiology services and may be included on the Board's website as well.

VII. Legislation

Ms. Del Mugnaio reported on the status of pending legislation as follows:

A. SB 1285 Aanestad– Speech-Lanuage Pathology (Endoscopy/Suctioning)

The bill was last amended on April 17, 2006 and is on the consent calendar. She stated that the Board is in support of the bill and referenced the support letter in the meeting packet. She reiterated that AB 1285 does not change the requirements for the supervision of the SLP when performing nasendoscopy procedures, but instead expands the settings in which SLPs can perform the procedures.

Ms. Del Mugnaio provided an email that had been forwarded by Ms. O'Connor indicating that one Medicare Intermediary had approved reimbursement for SLPs to perform endoscopic procedures independent of physician supervision.

Mr. Powell reported that the bill passed out of the Assembly Floor and will go to the Governor next week.

Ms. Del Mugnaio reported that a Board support letter will be forwarded to the Governor's Office.

Dr. Donald inquired whether there had been any opposition to the bill.

Ms. Del Mugnaio explained that while there was no opposition, both the Department and the Board of Registered Nursing had contacted her to discuss any potential consumer protection issues regarding both the suctioning provisions and the new authorization for SLPs to perform nasendoscopy in various settings. Ms. Del Mugnaio stated that she was not aware of any additional concerns raised by either the Department or the Nursing Board following her initial discussion with these entities.

B. SB 1223 Scott- Hearing Aid Health Care Coverage for Children

This bill was amended on August 7, 2006, adding language mandating that on or after January 1, 2007, every *group* health care policy and insurer that offers individual health insurance policies covering hospital, medical, or surgical expenses, shall offer or provide coverage for hearing aids, up to one thousand dollars, to all insured under 18 years of age. The benefit is restricted to one claim during a 36-month period. The initial version of the bill specified the coverage as mandatory for "every policy of health insurance, " while the amendments make the hearing aid coverage discretionary for individual health plans. The bill was reassigned to Assembly Appropriations and will be heard on August 16, 2006. Ms. Del Mugnaio stated that the Board is on record in support of the bill and referenced the support letter included in the meeting packets.

Mr. Powell stated that the amendments were a last attempt to encourage the Governor's signature as the Governor would not likely sign the bill with the previous language. Mr. Powell distributed Senate Scott's analysis of the bill.

The Board will send a revised letter to the Governor addressing the most recent amendments.

C. AB 2651 Jones- Newborn Hearing Screening

This bill was amended on August 7, 2006, to add language requiring that a newborn hearing screening may occur upon birth admission "or in any event prior to hospital discharge." AB 2651 is scheduled to be heard in the Senate Appropriations Committee.

Ms. Del Mugnaio reported that she spoke to Dr. Hallie Morrow of the Newborn Hearing Screening Program, Department of Health Services, and reported that Ms. Morrow is very concerned about the lack of attention regarding the fiscal impact of the bill, as the mandates will be costly. Ms. Morrow had reported that 3 hospitals in the state may need to contract out for hearing screening services.

The Board will continue to support the bill and send a support letter to the Governor.

Dr. Grimes asked Mr. Ivory if CAA was in support of the bill.

Mr. Ivory reported that CAA chose to remain neutral due to the funding issues.

Dr. Donald asked if recent data had proven that newborn hearing screening had a profound impact on the rehabilitation or improved communication of a child who was diagnosed and treated early in life.

Dr. Grimes reported on the considerable statistics that demonstrated the benefit of early hearing detection and identification.

D. AB 2837 Baca- Medi-Cal LEA Billing

This bill was amended on August 8, 2006. The amendments address the criteria for issuing a preliminary credential for a two-year term to individuals completing their clinical experience prerequisite to becoming credentialed SLPs. Other amendments surrounded the SLP training program accreditation requirements of the Commission on Teacher Credentialing.

Mr. Powell reported that the bill passed out of the Senate Committee, unanimously and will move to Senate Appropriations and then to the Governor. He stated that the amendments were technical in nature.

The Board will continue to watch this bill, taking no position at this time.

E. SB 1475 Figueroa- Healing Arts Omnibus Bill

This bill was amended on August 7, 2006. The amendment added the SLPAB to B&P Code Sections 725 & 800 and also amended Section 2533. The proposal will correct some omissions that occurred when the Board separated from the umbrella of the Medical Board in 2002. Section 725 deems the excessive prescribing of medications or

treatments, beyond that which is accepted as the standard of care within the professional community, to be an act of unprofessional conduct and a misdemeanor offense. Section 800 requires: 1) the Board to maintain records regarding its licensees and all complaint and enforcement documentation; 2) that various health agencies and insurance companies report settlements, arbitration awards and judgements against a speech-language pathologist or audiologist to the Board; and 3) provides for other general complaint handling and investigation protections that will apply to the Board. The inclusion of the amendments to Section 2533 strengthens the Board's advertising restrictions and assists with enforcement efforts. The bill was scheduled for hearing in Assembly Appropriations on August 9, 2006.

F. Other Legislation of Interest

AB 2564 – Amended on August 7, 2006. The amendments include language stating that *“if the Department of Health Services fails to meet certain criteria relating to the criminal record clearance for a period of 90 days, those procedures shall be suspended, as prescribed. This bill would also require the department to explore options to work with private and governmental agencies to ensure that facility licensees have adequate access to electronic transmission services, as provided.”* This bill exempts licensed professionals including speech-language pathologists who are operating as “direct care staff” within an intermediate care facility for the developmentally disabled from having to obtain separate criminal record clearances to work in the facility. Since licensed health care professionals must be fingerprinted and obtain a criminal record clearance in order to be licensed with the state, the process would be duplicative. It will be heard in Senate Appropriations Committee.

The Board has not taken a position on this bill and will continue to track it.

AB 2514- No action has occurred on this bill- All hearings have been cancelled at the request of the author...

This bill would prohibit attorneys' fees from being awarded for any meeting of an individualized education program team, except as specified. The bill would prohibit a party to a due process hearing from refusing to enter into a settlement agreement or conditioning a settlement offer on the receipt of the reimbursement of attorneys' fees from another party to that hearing.

VIII. Discuss the Modified Text to the Proposed Regulation [CCR Section 1399.156.4] Regarding the Advertising of Academic Degrees by Licensed Speech-Language Pathologists and Audiologists

Ms. Del Mugnaio provided the 15-day notice, 3rd modified text, and the addendum to the Final Statement of Reasons for the regulations and explained that the Office of Administrative Law (OAL) had rejected the advertising regulation language as proposed under the regulation filing that also included the Board-approved institution language [CCR 1399.152]. She reported that the OAL approved the portion of the regulation package pertaining to the Board-approved institution language but disapproved the advertising language as the OAL determined that the proposed language did not meet the regulatory standards regarding consistency, clarity, and necessity. Ms. Del Mugnaio

outlined the OAL grounds for the rejection as documented in the partial disapproval letter to the Board.

Mr. Ritter addressed the Board and explained that the changes to the language, as provided in the 3rd notice and modified text, incorporated the suggestions of the OAL and further provided the Board with discretion when evaluating situations that could result in the advertising or representation of false or misleading information. Mr. Ritter explained that the Board has 120 days to resubmit the disapproved section for reconsideration by the OAL.

Ms. Del Mugnaio added that the Board did not receive any public comments on the modified text during the 15-day public comment period.

Dr. Donald inquired whether the advertising of a degree earned at a non-accredited academic institution would constitute false or misleading advertising under the proposed regulatory criteria.

Mr. Ritter explained that accreditation is not a factor in considering the merits of an academic degree for the purposes of advertising, although accreditation is a factor in establishing the requirements for state licensure. He explained that the proposed regulations pertaining to advertising academic degrees address “non-earned” degrees issued from entities that do not hold state approval and are not legally authorized to award educational degrees. As such, the documentation obtained or “bought” from these entities would not constitute a conferred bona-fide academic degree.

M/S/C: Donald/Murphy

The Board voted to adopt the language as referenced “the 3rd modified text” of the proposed regulation Section 1399.156.4 regarding the advertising of academic degrees by licensed speech-language pathologists and audiologists.

IX. Review the Draft Sunset Review Report and Adopt Final Report for Submission to the Joint Committee on Boards, Commissions, and Consumer Protection by September 1, 2006

Ms. Del Mugnaio referenced the final draft of the Sunset Report Part I & II and directed the Board to review the most recent changes to the reports. She stated that the content of both reports should be finalized as all members have had an opportunity to provide input, and the Board has discussed and agreed upon the content at previous Board meetings. Ms. Del Mugnaio stated that the Board must decide whether substantive changes to the reports should be made during the meeting. She stated that the Board should adopt the report before the close of the discussion with the understanding that only technical, formatting, and grammatical edits will be incorporated to finalize the reports. She requested that all technical edits be submitted to her by Friday, August 18, 2006 so that the report can be formatted and reproduced prior to the September 1, 2006 deadline.

Ms. Del Mugnaio reviewed the reports with the Board and outlined the proposed issues in Part II of the report.

The Board held a discussion regarding the issue of changing the entry-level licensing standards in audiology to that of the doctorate degree as of January 1, 2008.

M/S/C: Grimes/Donald

The Board voted to adopt the Board's Sunset Review Report and to delegate to Ms. Del Mugnaio the task of making technical edits and minor non-substantive changes.

X. Proposed Amendments to the SLPAB Strategic Plan for 2006/2007

Ms. Del Mugnaio reviewed the strategic planning activities from the previous day and outlined the developed goals and objectives.

M/S/C: Bingea/Murphy

The Board voted to adopt the 2006/2007 Strategic Plan and authorized Ms. Del Mugnaio to make final edits, minor non-substantive changes, and to develop the supplemental action plan for review by the Board at the next scheduled meeting.

XI. Public Comment on Items Not on the Agenda

No further public comments were made at this time.

XII. Announcements

Next Board Meeting is scheduled for October 26-27, 2006, Los Angeles

XIII. Future Meeting Dates

The Board scheduled the first two meetings for 2007 as follows: January 25-26, 2007, in Sacramento, and April 12-13, 2007 in the Bay area.

XIV. Adjournment

There being no further discussion, Chairperson O'Connor adjourned the meeting at 2:00 p.m.

Annemarie Del Mugnaio, Executive Officer